IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.6216 of 2005.

Date of decision : 22.9.2006.

Dariyao Singh .....Petitioner

versus

Gram Panchayat Vill. Bupania & Anr. .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sandeep K.Sharma, Advocate for the petitioner.

Mr.Ramesh Hooda, Advocate for respondent No.1.

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ORDER

HEMANT GUPTA, J. (oral)

The plaintiff is in revision petition aggrieved against the order passed by the Courts below whereby his application for grant of interim injunction was dismissed.

It is the case of the plaintiff that he has been allotted plot measuring 18 marlas of Khasra No.347 and therefore, he cannot be dispossessed from the said area. On the other hand, it has the case of the defendant that plaintiff has encroached upon the public street in front of the area allotted to him in as much as the street is 33 ft.wide, whereas in front of the plot of the plaintiff, it is 22 ft. wide.

Learned counsel for the petitioner has vehemently argued that his possession is existing on 18 marlas of land in respect of plot of Khasra No.347 which has been allotted to him. Both the Courts below have dismissed the application for grant of interim injunction holding that the plaintiff has encroached upon the land of public street.

In view of the above, I do not find any reason to interfere in the order passed by the Courts below, in exercise of revisional jurisdiction.

However, it is needless to say that the defendants have a right to lay the public street after demarcating the plot No.347, allegedly allotted to the plaintiff.

Dismissed.

(HEMANT GUPTA)
JUDGE

September 22, 2006.

**mohinder*